



PALM BEACH COUNTY BAR ASSOCIATION BULLETIN

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President's Message

Who Are Our Paragons of Professionalism?

By Adam Rabin



Litigators often experience the tension between zealously representing our clients' interests and practicing with professionalism. In this vein, we balance our clients' expectations that we "be aggressive" with our professional obligation to extend reasonable courtesies to opposing counsel, resolve discovery disputes in good faith, and present all written and oral communications in a civil manner.

One way for litigators to reconcile this frequent tension is to ask themselves how one of our local paragons of professionalism would handle the same situation; then endeavor to emulate that course of conduct.

Because what makes a lawyer professional is difficult to articulate, identifying professionalism role models is one way to remind ourselves to take the high road when we are confronted with a professionalism dilemma. The purpose of this article is to identify several of our community's paragons of professionalism and to highlight some of the character practice traits they evince that earmark them as professional.¹

David Ackerman



David Ackerman is one of the icons of professionalism in our legal community. He coauthored the administrative order that governs the Fifteenth Judicial Circuit's Professionalism Council and the 2007 amendments to PBCBA's Standards of Professional Courtesy that have become part of the fabric of Palm Beach County's legal community. David's strengths are to never raise his voice at anyone, to treat opposing counsel with the utmost respect, to concede facts or legal positions where appropriate, and to pick up the phone to resolve conflicts before they escalate. These are traits worth emulating.

¹This article is not intended to be an exhaustive list of the paragons of professionalism in our community. There are more examples at all experience levels. In this article, I have put an emphasis on experienced lawyers who actively practice and are from diverse practice areas. If you know of others who deserve future recognition for their professionalism, please e-mail me at arabin@mccaberabin.com.

Manuel "Manny" Farach



As a past president of PBCBA, the current chair of the county's Ethics Commission, and the author of weekly case summaries, Manny combines his professorial perspective with his straight-shooter demeanor. When colleagues have asked Manny how he argues certain discovery motions in court, he usually responds, "I don't, usually. I work hard to resolve all my discovery issues without ever going to court on them." While we all know that some discovery issues need to be heard, we can all take a page from Manny's playbook and exhaust all reasonable means to resolve discovery disputes before taking the court's time.

Jane Kreusler-Walsh



Jane is a renowned appellate lawyer who has received numerous accolades. When she reviews a trial transcript and believes the appeal has little or no merit, she will advise the client of her opinion and turn over her own work product to the client to review with other appellate lawyers. She routinely informs the court of adverse authority and is always candid about negative parts of the record below. She routinely counsels clients, when they object, that extensions of time are a routine professional courtesy and persuades them to forge a positive path with opposing counsel by granting the same. Jane's practices are worth remembering in both appellate and trial practice.

John Mariani



John is a natural mentor to those inside and outside his law firm. Because billable hours and the business of law have eroded the practice of mentoring, identifying the traits of good mentors is important. John's colleagues comment that what makes John a good mentor is his accessibility, patience, and candor with mentees. He exemplifies the hallmarks of a good listener and dispenses advice judiciously. The skill and will that John brings to the art of mentoring exemplifies his professionalism.

Edward "Ned" Reagan



Ned is a member of PBCBA's Board of Directors and a past president of PBCBA's North County Section. Ned is one those criminal defense lawyers where both the defense lawyers and prosecutors agree – Ned is the consummate professional. If Ned says something during a case, you can take it to the bank. While prosecutors know that Ned will zealously represent his clients, they also know he will be reasonable when it comes to evaluating his case objectively and treating opposing counsel with respect and candor. Ned has hit the "sweet spot" in that prosecutors like having cases against Ned because he is reasonable to deal with, but would rather not try a case against him if that can be avoided.

Culver "Skip" Smith



Skip is a past president of PBCBA, former member of the Florida Bar Board of Governors, and long-time member and former chair of Florida Bar's Professional Ethics Committee. Skip's expertise is in the areas of legal ethics, professional responsibility, and attorney discipline. He is our local "professor of ethics" and has been one of our bar's pioneers in espousing professionalism for over 40 years. Skip is a leading educator for our bar's membership, having written scores of articles on ethical conduct and professionalism over the years. Skip continues to serve our bar to this day with his ethics expertise, his professionalism tips, and his ability to weave humor into his teachings.

Conclusion

When facing a professionalism dilemma that weighs your zeal against your professionalism, try to envision how one of the above lawyers would resolve the same dilemma. Then emulate what you believe that lawyer would do in your situation. Choosing the most professional course of conduct may make you feel, in the short term, like you are losing the race to your opponent. And while that might cause you to concede a sprint or two, the truth is you will win far more races than you lose. Moreover, you will be much better situated to win the marathon.

Adam Rabin is partner with McCabe Rabin, P.A. in West Palm Beach. He practices in the areas of business litigation, stockbroker misconduct, and whistleblower actions.